

### REMARKS

Claims 1, 7, 10-11, 19, 28-29, 36, 45-46, 53, 62-63, 70, 79-80, and 87 were pending prior to this response. By the present communication, claims 10, 19, 28, 29, and 87 have been cancelled without prejudice and claims 1, 11, 36, 45, 53, 62, and 70 have been amended to define Applicants' invention with greater particularity and to limit the subject matter to the invention of Group II claims. The amendments add no new matter, being fully supported by the Specification and originally filed claims. Accordingly, claims 1, 7, 11, 36, 45-46, 53, 62-63, 70, and 79-80 are currently pending.

#### **The Response to the Restriction Requirement**

The Office Action alleges that the claims pertain to four distinct inventions and restriction to one of the allegedly distinct inventions is required under 35 U.S.C. § 121. Accordingly, in response to the Restriction Requirement, Applicants elect prosecution of the claims of Group II, claims 1, 7, 10, 11, 36, 45, 46, 53, 62, 63, 70, 79 and 80. The Group II invention reads on claims 1, 7, 10, 11, 36, 45, 46, 53, 62, 63, 70, 79 and 80.

In addition, the Restriction Requirement alleges that the application contains claims directed to the following allegedly patentably distinct species: HIF-1, EPAS-1, MCP-1 AND GM-CFS. Applicants are required to elect a single disclosed species or any combination thereof for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable, with claims 1, 19, 36, 19, 53 and 70, being identified as generic.

Accordingly, in response to the Restriction Requirement, Applicants elect the species MCP-1 for prosecution on the merits and submit that currently amended claims 1, 11, 36, 45-46, 53, 62-63, 70, and 79-80 read on the elected species. If a generic claim is held to be allowable, Applicants request prosecution of all presently pending claims.

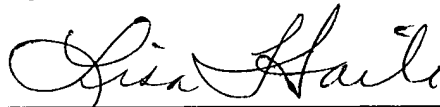
In re Application of:  
Kornowskiet al.  
Application No.: 10/776,545  
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Attorney Docket No.: MEDIV2010-5

In view of the above amendments and remarks, Applicants request entry of the amendments prior to examination of the currently amended claims. If the Examiner would like to discuss any of the issues raised in the Office Action, the Examiner is encouraged to call the undersigned representative so that a prompt disposition of this application can be achieved.

No fee is deemed necessary with the filing of this paper. However if any fees are due, the Commissioner is hereby authorized to charge any fees, or make any credits, to Deposit Account No. 07-1896 referencing the above-identified attorney docket number. A copy of the Transmittal Sheet is enclosed.

Respectfully submitted,



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